

## **REMARKS**

### **Summary of the Office Action**

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Katsumura et al. (Published U.S Patent Application No. 2002/0150840) (hereinafter Katsumura '840).

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Katsumura et al. (Published U.S Patent Application No. 2002/0153625) (hereinafter Katsumura '625).

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rokuro (JP 61-077152) (hereinafter "Rokuro").

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hattori et al. (JP 60-174891) (hereinafter "Hattori").

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Katsumura et al. (Published U.S Patent Application No. 2001/0050444) (hereinafter Katsumura '444).

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yukumoto et al. (Published U.S Patent Application No. 2001/0053122) (hereinafter "Yukumoto").

Claims 1-3 and 5-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Okino (JP 57-082236) (hereinafter "Okino").

### **Summary of the Response to the Office Action**

In response to the rejections, claims 1-4 have been canceled, and independent claims 5 and 6 are being amended to differently define embodiments of the present invention and/or improve the form of the claims. Also, new independent claim 7 is being added to define additional features of the embodiments of the invention. No new matter is being entered.

**Substance of the Interview**

Applicants' representative would like to thank Examiner Angebranndt for his courtesy and consideration extended during the June 3, 2009 telephone interview. The following statements regarding the substance of the interview are consistent with those set forth in the Interview Summary dated June 4, 2009.

As discussed during the telephone interview, the Examiner stated that the proposed amendment sent to the Examiner in advance of the telephone interview may raise new matter issues with regard to claims 1 and 7 and the dependent claims in the proposed amendment. The Examiner noted that the priority document used the micrometer units (paragraph 0021) and not the nm units proposed. The Examiner believed that there is no apparent example or other disclosure that can provide a basis for changing the units.

The Examiner further noted that paragraph 0091 of Yukimoto discloses 10 nm coatings. The Examiner also noted that Hattori discloses a nickel matrix 1 which is coated with a stripping film 2 and a plating film 3, an electroformed body 4 formed upon this and a peeling layer between the layer 2 and the mold 1. Also, the Examiner indicated that in Okino, a metal mold surface 10 is coated with 200-5000 angstroms of CU or Cu-alloy, nickel is coated to a thickness of several hundred microns 9 and Cu is applied to form layer 11 and then nickel is electroformed 12 and peeled, and contacted with a polymer 13. The Examiner acknowledged that the Katsumura references do not describe a thickness, but pointed out that the references are assigned to the assignee of the present application who the Examiner suggested may have information on the thicknesses formed in the examples given in those references. Furthermore, the Examiner stated that corrosion resistance seems to be well known in the art for the alloys discussed, but suggested that Applicants may realize a benefit in the peeling process (ease, less

pressure/effort) which could be evidenced in a declaration and relates to claims 5 and 6. In addition, the Examiner indicated that the methods of use might be considered not elected by original presentation. Also, the Examiner indicated that it may be beneficial from a patentability standpoint to emphasize the matching of the metals and coatings as described in the specification.

**The 35 U.S.C. § 102(b) Rejections of Claims 1-4**

As indicated above, claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Katsumura '840, "Katsumura '625, Katsumura '444, Rokuro and Yukumoto. As indicated above, claims 1-4 have been canceled. Hence, these rejections are moot.

**The Remaining 35 U.S.C. § 102(b) Rejections**

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hattori. Also, claims 1-3 and 5-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Okino. Applicants submit that these rejections are moot with regard to canceled claims 1-4.

Concerning the rejections as they apply to claims 5 and 6, Applicants respectfully submit that as described in paragraph 0029 of Published U.S. Patent Application No. 2006/0187804 (the '804 application) corresponding to the present application, "close adhering of the anti-corrosion film 12 to the main body 13 of the stamper 10 becomes important factor. Taking such close adhering into consideration, it is desirable that a material for the main body 13 of the stamper should be consistence with the main component of the alloy forming the anti-corrosion film 12."

In addition, an advantageous effect that may be realized by the embodiments of the present invention recited in claims 5 and 7 of the present application is described in paragraph

0049 of the '804 application. Specifically, paragraph 0049 states that "said method is not a method for forming an anti-corrosion film directly on the stamper on which the anti-corrosion film is to be formed, but is characterized in that the method comprises forming anti-corrosion film on the surface of the stamper manufacturing mold necessary for manufacturing the stamper in advance; forming a metal layer (this being the main body of the stamper) on the anti-corrosion film by an electroplating method; and then separating the metal layer together with the anti-corrosion film at the same time to obtain the stamper attached with the anti-corrosion film thereon. According to the method, the stamper of this invention can be manufactured by utilizing a conventional electroplating method. And, being different from that of manufactured by the afore-mentioned [Manufacturing Method 1], the surface of the anti-corrosion film 12 is that formed by separating from the surface of the stamper manufacturing mold 24a. As a result, the concave shape thereof is very sharp that enables to produce such convex shape (pits) to be transferred onto the optical disk substrate from the stamper that is not distorted."

Applicants respectfully submit that neither Hattori nor Okino teaches features recited in amended claims 5 and 6, such as the providing of a metallic mold for manufacturing a stamper, forming an anti-corrosion film on the surface of the metallic mold, laminating a metallic layer as a metallic main body on the anti-corrosion film, and subsequently separating both the metallic main body together with the anti-corrosion film from the metallic mold at the same time. Also, Applicants respectfully submit that neither Hattori nor Okino teaches all the features recited in independent claim 7.

Accordingly, for at least the above reasons, claims 5-7 should be allowable.

**CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

By: 

Joseph J. Buczynski, Reg. No.: 35,084

Dated: June 17, 2009

**Customer No. 55694**  
DRINKER BIDDLE & REATH LLP  
1500 K. Street, N.W., Suite 1100  
Washington, DC 20005-1209  
Tel: (202) 842-8800  
Fax: (202) 204-0289